

Claim

Support

20 and 32

original claims 1 and 6
page 5, lines 1-28
page 7, lines 16-21
page 8, lines 9-22 and 29-33
page 9, line 7
page 10, lines 18-24
page 12, lines 22-28
page 19, lines 17-28
pages 21-28

21 and 33

page 8, lines 13-17
page 24, lines 2-4
page 25, line 31, through page 26, line 18

22 and 34

original claim 2
page 5, lines 20-24

23 and 35

original claim 3
page 5, lines 20-28

24 and 36

page 1, lines 9-16
page 8, lines 13-17
page 28, lines 8-10

25, 26, 29, 37, 38, and 41

page 8, line 29, through page 9, line 5
page 12, lines 10-14

27 and 39

page 10, lines 12-16

28 and 40

page 12, lines 10-17

30 and 42

page 25, line 31, through page 26, line 12

31 and 43

pages 5-6, bridging paragraph.

No new matter is introduced by this amendment. Upon entry of this amendment, claims 20-43 are pending in this application.

Claims 20-43 are directed to the same or substantially the same invention as claimed in U.S. Patent No. 6,215,041 of Stice et al., issued April 10, 2001.

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Applicants' related copending application 09/650,194 is presently involved in Interference No. 104,746 with U.S. Patent No. 5,945,577 of Stice et al. and in Interference No. 104,809 with another party. U.S. Patent No. 6,215,041 of Stice et al. is related through two continuation-in-part applications to U.S. Patent No. 5,945,577 of Stice et al. Applicants' involved claims in Interference No. 104,746 and Interference No. 104,809 are directed to methods of cloning non-human mammals and non-human mammalian fetuses.

Double Patenting Rejection

Claim 19 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,252,133. It is the Examiner's position that, since the donor cell of U.S. Patent No. 6,252,133 is in G1, the donor cell would have had to pass start.

Applicants respectfully disagree. Cells in G1 would not have had to pass through start. As described in the specification, cells in the G1 phase of the cell cycle that have passed through start have made the commitment to undergo another cell cycle. (Specification at 7, lines 26-32.) Cells in the G1 phase of the cell cycle that have not passed through start have not made this commitment. Consequently, cells in the G1 phase of the cell cycle may have made or not made this commitment depending on whether they have passed through start.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(b).

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Claim 19 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S.

Application Serial No. 09/989,128.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. ' 1.321(b).

Claim 19 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of U.S.

Application Serial No. 09/989,126.

Solely to expedite allowance of the pending claims, and not in acquiescence to this rejection, applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. ' 1.321(b).

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for being confusing in the use of blastocyst in step (iv). Claim 19 has been canceled. New claims 20-43 do not recite blastocyst. Accordingly, applicants respectfully request withdrawal of the rejection.

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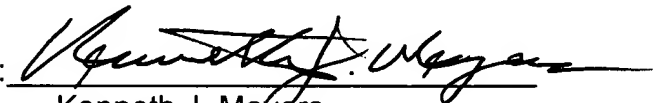
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Applicants respectfully submit that this application is now in condition for allowance. If the Examiner believes that issues remain to be addressed before a Notice of Allowance, applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 10, 2002

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